

May 11, 2012

The Honorable Janice K. Brewer  
Arizona Governor  
Executive Tower  
1700 West Washington Street  
Phoenix, AZ 85007

RE: Robert Flibotte

Dear Governor Brewer:

It has come to our attention that Mr. Flibotte has petitioned for clemency and the matter is on your desk for review. Possession of child pornography is a serious offense committed by some of society's most dangerous people. This letter joins the request of Gila County Attorney Daisy Flores and Deputy County Attorneys Alvarez and Cooper. Clemency for Mr. Flibotte should be denied for the following reasons:

- The jury convicted Defendant of intentionally and/or knowingly possessing child pornography. The mere size of his collection of images (over 26,000) and videos (over 500), dating back to the late 1990s, is ample evidence that he not only possessed the images, but actively sought them. This is further evidenced by the use of multiple storage devices. There could be no mistaking what the images and videos were. One file alone was titled "thirteen years, little child fucking by big dick, kinder virgin, underage brother sister mom dad, illegal pre-teen."

Mr. Flibotte maintained the child pornography was a result of a virus. For the above reasons, that defense is difficult, if not impossible to believe. Child pornography was found on his work and home computers, and separate flash drives throughout the home. Many of the files were saved, an act that must be initiated by the user. Some files were saved in a folder titled "pictures," rather than hidden in a system folder (which one may expect if there was a virus). The multiple dates of files indicate files were saved on more than one occasion. It is also important to note that the computer(s) had been repaired numerous times in 2008-09, yet the child pornography predates and postdates such repairs.

Defendant's claim that a virus invaded his computer also ignores the nature of viruses. Simply because a virus is present on a computer does not make it active. Further, most

viruses are related to spyware or malware, not child pornography. The files were located in separate locations on separate media devices on separate dates. Lastly, files were not only recovered, but some opened and viewed. This activity typically is not indicative of a virus, but a user's actions.

Evidence found apart from the computer also demonstrates defendant's intentional and knowing possession. At this residence, police located two printed documents. One was entitled "How to Hide Porn on Your Computer." The article instructs on clearing out file and internet history, creating user names, recommending software to clean your computer and storing pornography on removable media (such as CDs or flash drives). The other appears to be an online chat with another user page that states, "Howcum [sic] there are groups with little boys bur [sic] I can't find the groups with little girls?" Below are the words "Try these," followed by a list of "groups" including petitemodels, vladmodels, ls, and lsm. LS and LSM are typically used as search terms to locate child pornography.

- What defendant offers in his defense, a psychosexual evaluation, is absent of critical information. First, the risk assessment is redacted. Missing are some of Mr. Flibotte's statements regarding his sexual history and sexual contact with minors. Further, the examiner did not conduct a polygraph to verify the history. This, along with not performing the ABEL screen test regarding sexual interest, are glaring omissions and deviate from testing generally relied on by experts administering psychosexual evaluations. Therefore, there is no information regarding Mr. Flibotte's history of engaging in or interest in sexual contact with minors. My office would not consider such a psychosexual evaluation. All of this makes Mr. Flibotte's intentions quite clear: His intention was to possess child pornography.
- There are many misconceptions about child pornography. Child pornography is not a two year old in a bath tub or a 15 year old running on a beach with no clothing. Child pornography is the memorialization of either a child being used in a sexual act or it is, by definition, a child being put in a sexually exploitive position. In this case, some of the images and videos were of children 14 years and younger engaged in oral sex or sexual intercourse with an adult male. What horrifies us, sex offenders fantasize about.
- The harm to the victims is grave. Many children are aware that a video camera is capturing their victimization. Many are aware that videos of such abuse are online and traded among pedophiles. These images will never go away.
- Current research indicates that the relationship between possession of child pornography and committing a hands on offense with a child is significant. Please see the following studies, which I have included:
  - The 'Butner Study' Redux, was a study of 155 suspects sentenced for child pornography offenses. Of the 155 suspects, 115 (or 74%) had no documented hands-on victims. By the end of treatment, 131 (or 85%) of the suspects admitted at least one hands-on sexual offense with a child.

- In 'Child Pornography Offenses Are a Valid Diagnostic Indicator of Pedophilia'; phallometric testing was conducted on convicted sex offenders. The study concluded that, "child pornography offenders had almost three times the odds of being identified as a pedophile phallometrically than did offenders against children." Thus, there is a real relationship between possession of child pornography and hands on offenses against children.

Mr. Flibotte committed a serious offense which affects a vast number of victims and society as a whole. For all of these reasons, I ask that you deny clemency to Mr. Flibotte.

Governor, thank you so much for your time and consideration.

Sincerely,

enclosures